

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANDREW GARCIA,

Plaintiff,

v.

No. CV 20-1179 MV/CG

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

**ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915(b)
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff's *Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915*, (the "Motion"), in this civil rights action, (Doc. 2). Based on analysis of the Motion and the inmate account statement, (Doc. 2), (Doc. 4), the Court grants Plaintiff leave to proceed under 28 U.S.C. § 1915(a) and (b). Because the Court grants the Motion, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid. Analyzing Plaintiff's inmate account statement, (Doc. 4), under § 1915(b)(1), the Court finds that Plaintiff owes an initial partial payment of \$40.25. If Plaintiff fails to make a payment by the designated deadline or show cause why such payment should be excused, the civil rights complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that the *Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915*, (Doc. 2), is **GRANTED**.

IT IS FURTHER ORDERED that by December 24, 2020, Plaintiff send to the Clerk an initial partial payment of \$40.25 or show cause why payment should be excused.

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this Order, and that Plaintiff make the necessary arrangements to attach one copy of this Order to the check in the \$40.25 amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the \$40.25 initial partial fee, Plaintiff make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', is written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE